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P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10007688-1IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Shell S. Simpson

Confirmation No.: 6927

Application No.: 09/940,596

Examiner: El Shand, Hussein A.

Filing Date: Aug. 29, 2001

Group Art Unit: 2157

Title: Client Resident Service That Launches A Browser To Provide Device Status

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450TRANSMITTAL OF APPEAL BRIEFTransmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 3/8/2006.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:☐ 1st Month
\$120☐ 2nd Month
\$450☐ 3rd Month
\$1020☐ 4th Month
\$1590☐ The extension fee has already been filed in this application.☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 500 . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Date of facsimile: May 8, 2006

Typed Name: Jack H. McKinney

Signature: 

Respectfully submitted,

Shell S. Simpson

By: 

Jack H. McKinney

Attorney/Agent for Applicant(s)

Reg No. : 45,685

Date : May 8, 2006

Telephone : 208-433-1991

Rev 10/06 (April 07)

MAY 08 2006

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PATENT APPLICATION

ATTORNEY DOCKET NO. 10007688-1IN THE
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Inventor(s): Shell S. Simpson

Confirmation No.: 5927

Application No.: 09/940,596

Examiner: El Shanti, Hussein A.

Filing Date: Aug. 29, 2001

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By 

Jack H. McKinney

Attorney/Agent for Applicant(s)

Reg No. : 45,665

Date : May 8, 2006

Telephone : 208-433-1991

Rev 10/05 (ApBrief)

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Date of Transmission: May 8, 2006

Typed or printed name: Jack H. McKinney

Signature: 

**PATENT APPLICATION
DOCKET NO. 10007688-1**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S): Shell S. Simpson

CONFIRMATION NO: 5927

SERIAL NO.: 09/940,596

GROUP ART UNIT: 2157

FILED: August 29, 2001

EXAMINER: El Shanti, Hussein A

SUBJECT: CLIENT RESIDENT SERVICE THAT LAUNCHES A BROWSER TO
PROVIDE DEVICE STATUS

APPELLANT'S/APPLICANT'S OPENING BRIEF

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APPELLANTS'/APPLICANTS' OPENING BRIEF ON APPEAL**1. REAL PARTY IN INTEREST.**

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holding, LLC.

2. RELATED APPEALS AND INTERFERENCES.

There are no other appeals or interferences known to Appellants, Appellants' legal representative or the Assignee which will affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

3. STATUS OF CLAIMS.

Claims 1-14 are pending and stand rejected. All pending claims are appealed.

4. STATUS OF AMENDMENTS.

No amendments have been filed after the final action was entered. All previous amendments have been entered.

5. SUMMARY OF CLAIMED SUBJECT MATTER.

Claim 1 recites a method for launching a browser or other service that includes determining if a predetermined event related to activity of a web or network service has occurred. See, e.g., Specification, paragraph [0178]. If the predetermined event is determined to have occurred, a command is sent to a system to launch the browser or service to a particular network location. See, e.g., Specification, paragraph [0180].

Claim 10 recites a program product for launching a browser or other service that comprises a computer useable medium having machine readable program code embodied

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thereon which, when executed, causes steps to be performed. Those steps include determining if a predetermined event related to activity of a web or network service has occurred and sending a command to a system to launch the browser or service to a particular network location if the predetermined event is determined to have occurred. See, e.g., Specification, paragraphs [0178], [0180].

Claim 14 recites a system for launching a browser or other service and includes a memory and a computer system operatively coupled to the memory. The computer system includes a component for determining if a predetermined event related to activity of a web or network service has occurred and a component for sending a command to a system to launch the browser or service to a particular network location if the predetermined event is determined to have occurred. See, e.g., Specification, paragraphs [0178], [0180].

6. GROUNDS FOR REJECTION TO BE REVIEWED.

A. Tuchitoi does not teach or suggest a method that includes sending a command to a system to launch the browser or service to a particular network location if the predetermined event is determined to have occurred.

B. Tuchitoi does not teach or suggest a computer useable medium having machine readable program code that when executed causes the sending of a command to a system to launch the browser or service to a particular network location if a predetermined event is determined to have occurred.

C. Tuchitoi does not teach or suggest a system that includes a component for sending a command to a system to launch the browser or service to a particular network location if the predetermined event is determined to have occurred.

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7. ARGUMENT.

A. Ground For Rejection A (Claims 1-9) – Tuchitoi does not teach or suggest sending a command to a system to launch the browser or service to a particular network location if the predetermined event is determined to have occurred.

Initially, it is noted that the Examiner has misconstrued the Applicant's arguments from the prior response filed October 26, 2005. The Examiner stated that the Applicant argued that the prior art reference "does not disclose launching a browser if a predetermined event has occurred." To the contrary, the applicant argued and continues to argue that the prior art reference does not disclose launching a browser or service to a particular network location if a predetermined event has occurred.

CLAIM REJECTIONS – 35 USC §102: Claims 1-9 were rejected under Section 102 as being unpatentable over USPN 6,906,813 issued to Tuchitoi. Tuchitoi teaches, upon completion of a print job, sending a job completion notice event to an address included in the completed print job. When the completion notice event is received, the utility 205 at the address displays a pop-up dialog and informs the user that printing of the print job is complete using the graphic user interface. Tuchitoi, col. 13, lines 1-34. In doing so, Tuchitoi's utility 205 only uses data included in the notice event. The utility is not launched to a network location.

Claim 1 directed to a method for launching a browser or other service and recites the following acts:

1. determining if a predetermined event related to activity of a web or network service has occurred; and
2. sending a command to a system to launch the browser or service to a particular network location if the predetermined event is determined to have occurred.

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In an advisory action mailed February 6, 2006, the Examiner argued:

Tuchitai teaches sending a notification to the client as a pop up message whenever a print complete is detected. The notification "pop up message" is sent from the server to the client computer that sent the print command. Tuchitai teaches if a predetermined event has occurred "print complete", launching a service "pop up message" to a particular network location "client machine, where the client machine being the machine that sent the print request and therefore the client machine being a particular network location" (see col. 13 lines 1-34 and fig. 5).

Tuchitai's "pop up message" is caused to be displayed on a client machine. The Examiner improperly equates Tuchitai's teaching of causing a "pop up message" to be displayed on a client machine with the recitation in Claim 1 of launching a browser or service to a particular network location. The Examiner ignores the different meanings of the prepositions "to" and "on."

Paragraph [0175] of the specification provides an example of what launching a browser or service to a particular network location means.

[0001] Referring now to Fig. 12, there is disclosed an invention for launching a browser and directing it to browse to a web site or service if a predetermined event is determined to have occurred. This method could be used for monitoring the progress of the performance of a job at a web service or network service. In a preferred embodiment, the event could be the completion of a job, such as a print job or a fax job. Alternatively or in addition, the event could be the occurrence of an error, such as for example, an error that has stopped the forward progress of the job. In the context of a print job or a fax job, that error might be a paper jam, or a signal that the printer or fax is out of paper.

Specification, paragraph [0175] (emphasis added). Sending a notification to a client machine as a "pop up message" is not the same as sending a command to a system to launch the browser or service to a particular network location.

Broken down, the Examiner only argues that Tuchitai teaches launching a service – a pop up message – on a client machine. That pop up message is not launched to a network location. It is caused to be opened or displayed on a client machine. More

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particularly, Tuchitoi only teaches sending a completion notice event to an address. A utility at that address receives the completion notice event and displays a pop-up dialogue containing information received in the completion notice event. That utility is not launched to a particular location.

Consequently, Tuchitoi does not teach or suggest sending a command to a system to launch the browser or service to a particular network location if the predetermined event is determined to have occurred as recited by Claim 1. For at least this reason, Claim 1 is patentable over Tuchitoi as are Claims 2-9 which depend from Claim 1.

B. Ground For Rejection B (Claims 10-13) – Tuchitoi does not teach or suggest a computer useable medium having machine readable program code that when executed causes the sending of a command to a system to launch the browser or service to a particular network location if a predetermined event is determined to have occurred.

Claims 10-13 were rejected under Section 102 as being unpatentable over USPN 6,906,813 issued to Tuchitoi.

Claim 10 is directed to a program product for launching a browser or other service that comprises a computer useable medium having machine readable program code embodied thereon which, when executed, causes the following steps to be performed:

1. determining if a predetermined event related to activity of a web or network service has occurred; and
2. sending a command to a system to launch the browser or service to a particular network location if the predetermined event is determined to have occurred.

In short, Claim 10 is directed to a program product that includes a computer useable medium having machine readable program code that when executed, implements the method of Claim 1 discussed above. For at least the same reasons Claim 1 is patentable, so are Claim 10 and Claims 11-13 which depend from Claim 10.

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C. Ground For Rejection C (Claim 14) – Tuchitai does not teach or suggest a system that includes a component for sending a command to a system to launch the browser or service to a particular network location if the predetermined event is determined to have occurred.

Claim 14 was rejected under Section 102 as being unpatentable over USPN 6,906,813 issued to Tuchitai.

Claim 14 is directed to a system for launching a browser or other service and recites the following:

1. a memory; and
2. a computer system operatively connected to the memory, wherein the computer system comprises the following components:
 - a. a component for determining if a predetermined event related to activity of a web or network service has occurred; and
 - b. a component for sending a command to a system to launch the browser or service to a particular network location if the predetermined event is determined to have occurred.

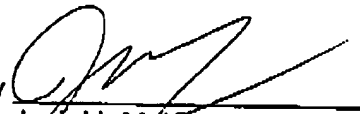
In short, Claim 14 is directed to a system capable of implementing the method of Claim 1 discussed above. For the same reasons Claim 1 is patentable, so is Claim 14.

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For at least the reasons set forth above, the rejections of Claims 1-14 are improper. The applicant respectfully requests that the Application be passed on to issuance.

Respectfully submitted,
Shell S. Simpson

By



Jack H. McKinney
Reg. No. 45,685

May 8, 2006

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APPENDIX OF CLAIMS INVOLVED IN THE APPEAL

1. (previously presented) A method for launching a browser or other service, comprising the steps of:
determining if a predetermined event related to activity of a web or network service has occurred; and
sending a command to a system to launch the browser or service to a particular network location if the predetermined event is determined to have occurred.
2. (original) The method as defined in claim 1, wherein the browser and/or service is launched after receipt of the command to launch.
3. (original) The method as defined in claim 1, wherein the determining step comprises receiving information including a request to launch or other information relating to the predetermined event.
4. (original) The method as defined in claim 3, wherein the receiving information step comprises the step of authenticating the received information and only sending the command to launch the browser and/or service if the request is properly authenticated.
5. (original) The method as defined in claim 3, wherein the receiving information step comprises the step of listening on a network for requests to launch the browser and/or service or other information relating to the predetermined event.
6. (previously presented) The method as defined in claim 1, wherein the determining step comprises the step of polling the web or network service to determine if the predetermined event has occurred.
7. (previously presented) The method as defined in claim 1, wherein the predetermined event is an indication that a print job at the network service is completed.

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8. (previously presented) The method as defined in claim 1, wherein the predetermined event is an indication that a print job at the network service has been interrupted.

9. (previously presented) The method as defined in claim 1, wherein the predetermined event is an indication that a job at the web service has been interrupted.

10. (previously presented) A program product for launching a browser or other service, comprising:

a computer useable medium having machine readable program code embodied thereon which, when executed, causes the following steps to be performed:

determining if a predetermined event related to activity of a web or network service has occurred; and

sending a command to a system to launch the browser or service to a particular network location if the predetermined event is determined to have occurred.

11. (original) The program product as defined in claim 10, wherein the program code for the determining step comprises code for receiving information including a request to launch or other information relating to the predetermined event

12. (original) The program product as defined in claim 10, wherein the program code includes code for causing the receiving information step to perform the step of listening on a network for requests to launch the browser and/or service.

13. (previously presented) The program product as defined in claim 10, wherein the program code includes code for causing the determining step to perform the step of polling the web or network service to determine if the predetermined event has occurred.

14. (previously presented) A system for launching a browser or other service, comprising:

a memory; and

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a computer system operatively connected to the memory, wherein the computer system comprises the following components:

a component for determining if a predetermined event related to activity of a web or network service has occurred; and

a component for sending a command to a system to launch the browser or service to a particular network location if the predetermined event is determined to have occurred.

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Evidence Appendix

There is no extrinsic evidence to be considered in this Appeal. Therefore, no evidence is presented in this Appendix.

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Related Proceedings Appendix

There are no related proceedings to be considered in this Appeal. Therefore, no such proceedings are identified in this Appendix.

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